IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2007

CORAM :

THE HON'BLE MR. JUSTICE S.TAMILVANAN

A.S.No.174 of 1996

Special Tahsildar
(Land Acquisition)
Misc. Schemes,
Saidapet, Madras - 15. .... Appellant(Referring Officer)

Vs.

Saradambal .... Respondent(Claimant)

Appeal filed against the Judgment and Decree dated 14.06.1989 made in L.A.O.P.No.79 of 1988 on the file of the Subordinate Judge, Poonamallee.

For Appellant : Mr.V.Ravi, Spl.G.P. (AS)

For Respondent : Mr.S.Sivashanmugam

J U D G M E N T

This appeal has been preferred by the Special Tahsildar (Land Acquisition), Misc. Schemes, Saidapet, Chennai, against the Judgment and Decree, dated 14.06.1989 made in L.A.O.P.No.79 of 1988 on the file of the Land Acquisition Tribunal / Subordinate Judge, Poonamallee.

2. It is not in dispute that for the purpose of formation of an approach Road to car shed complex, the land in S.No.731/A1, Thirumullaivoyil Village, Saidapet Taluk was acquired by the Special Tahsildar (Land Acquisition), the appellant herein. It is seen that for the acquired land, notification under Section 4 (1) of the Land Acquisition Act (herein after referred to as Act) was issued on 07.06.1985. The Land Acquisition Officer fixed compensation for the aforesaid acquired land at the rate of Rs.415/- per cent to be paid along with 30% solation and 12% interest and accordingly, the total compensation was fixed at Rs.4,631.30/- by the appellant. Aggrieved by which, the respondent herein preferred his claim under Section 18 of the Act before the Land Acquisition Tribunal. On the side of the respondent / claimant, P.W.1 was examined, apart from marking Exs.A.1 to A.6 and

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on the side of the appellant herein, the then Special Tahsildar, Saidapet was examined as R.W.1 and the award passed in Award No.10/87, dated 18.11.1997 by the Land Acquisition Officer was marked as Ex.R.1 before the Tribunal.

3. Mr.V.Ravi, learned Special Government Pleader (AS) appearing for the appellant would contend that the compensation awarded by the Land Acquisition Tribunal is exorbitant and that the Tribunal has taken the sale deed, Ex.A.2 for deciding the land value, though it relates to a land and building. Exs.A.3, A.4 and A.5 are certified copies of sale deeds that had been executed subsequent to the 4 (1) Notification. Ex.A.2 is the copy of the sale deed, dated 27.03.1985, executed by one Ramasubba Reddiyar in favour of one Kasturibai Ammal.

4. The property stated in the document, Ex.A.2 is admittedly situated at Thirumullaivoyil village. The respondent herein, who was examined as C.W.1 has deposed in his evidence that the acquired land is a developed land in the residential area, nearby the Railway quarters, Housing Board quarters, having facilities such as water supply, electricity connection. Hospital and Government schools are also nearby the acquired land. No doubt, Ex.A.2 relates to sale of land and building. However, as contended by the learned counsel for the respondent, the value of the building and the land have been specifically stated in the said document and therefore, I am of the view that there is no error on the part of the land acquisition tribunal in considering Ex.A.2, which was registered prior to the date of 4 (1) Notification. The Tribunal has discussed in detail and fixed the market value at Rs.700/- per cent for the acquired land.

5. The Land Acquisition Officer, who was examined as R.W.1 has not disputed in his cross-examination that the acquired land is located in a residential area and that it was fit to be converted as house site, even on the date of acquisition and he has admitted that there is water facilities and electric supply available nearby the land that was acquired.

6. It is seen that the land acquisition tribunal has considered the oral and documentary evidence, while fixing the market value of the land. Even, as per Ex.A.6, sale deed, dated 03.09.1984, a nearby land was sold at Rs.8,100/- per cent. As contended by the learned counsel for the respondent, the acquired land is situated nearby the city limit of Chennai and hence, the market value has been increased manifold. It is seen that the Tribunal has been passed the award, considering all the relevant factors and the evidence supported by the documents marked therein and therefore, I am of the view that there is no illegality or infirmity, so as to warrant the interference of this Court in this appeal.

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7. In the result, the appeal fails and the same is dismissed and accordingly, confirming the Judgment and Decree passed by the Land Acquisition Tribunal, this appeal is dismissed. However, there is no order as to costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

tsvn

To

The Subordinate Judge
Poonamallee.

one cc to the Government Pleader SR.No.68248

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